

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

TECHNOLOGY FUNDING GROUP,)	Civil No. 07-5081
L.L.C., a Delaware limited liability)	
Company)	
)	
Plaintiff,)	JOINT MOTION
)	FOR APPROVAL OF
vs.)	SETTLEMENT AGREEMENT
)	AND COMPLETE RELEASE
)	OF ALL CLAIMS
THE FIRST WESTERN BANK OF)	
STURGIS, a South Dakota corporation)	
)	
Defendant.)	

On February 5, 2010, the parties settled the above-captioned case, including resolution and settlement of all disputed issues between the parties. The parties confirmed the settlement of the case in writing pursuant to an executed *Settlement Agreement and Complete Release of All Claims*, which executed *Settlement Agreement and Complete Release of All Claims* is attached and incorporated as Exhibit 1 to this Joint Motion for Approval. As part of the settlement of the case, the parties agreed to submit Exhibit 1 to this Court for approval.

As alleged in Plaintiff's Complaint and Amended Complaint, Technology Funding Group, LLC ("Technology Funding"), purchased from the bankruptcy estate, pursuant to Section 363 of the Bankruptcy Code and the court-approved Amended Asset Purchase Agreement (Hon. Robert J. Kressel, February 28, 2007), the purchased assets of Dakota Arms, Inc., a Minnesota corporation, including the right to pursue all legal actions. In re: Dakota Arms, Inc., Debtor, Case No. BKY 06-41315-RJK (United States Bankruptcy Court, District of Minnesota).

Pursuant to the parties' settlement, Defendant, The First Western Bank of Sturgis ("First Western Bank"), provided reasonable and appropriate notice of this settlement to the Bankruptcy Trustee, Julia A. Christians, Minneapolis, Minnesota. The parties and the Trustee, by and through their respective counsel, specifically addressed and agreed upon the issues as may relate

to the Trustee's interest in the settlement funds of this case, copies of which *Stipulation Concerning Settlement Proceeds and Bankruptcy Court Order* approving such Stipulation are attached and incorporated as Exhibit 2 to this Joint Motion for Approval.

The parties have agreed, as part of this settlement, that First Western Bank and St. Paul Mercury Insurance Company shall pay the settlement funds by wire transfer in immediately available funds to the "Clayborne, Loos & Sabers, LLP Trust Account, Attorneys for Technology Funding Group, LLC."

Based upon the record and the parties' settlement agreement, therefore, the parties respectfully request this Court's Order:

1. Authorizing and approving the settlement of this case and the *Settlement Agreement and Complete Release of All Claims*, attached and incorporated as Exhibit 1 to this Joint Motion for Approval;
2. Authorizing and approving First Western Bank and its insurer, St. Paul Mercury Insurance Company, to pay the settlement funds by wire transfer in immediately available funds to the "Clayborne, Loos & Sabers, LLP Trust Account, Attorneys for Technology Funding Group, LLP," pursuant to the *Settlement Agreement and Complete Release of All Claims* and the *Stipulation Concerning Settlement Proceeds and Bankruptcy Court Order* attached and incorporated as Exhibits 1 and 2 to this Joint Motion for Approval; and
3. Finding and concluding that First Western Bank and its insurer, St. Paul Mercury Insurance Company, with reasonable and appropriate notice to the Bankruptcy Trustee and with payment of the settlement funds by wire transfer in immediately available funds to the "Clayborne, Loos & Sabers, LLP Trust Account, Attorneys for Technology Funding Group, LLC," have discharged any and all obligations First Western Bank and its insurer, St. Paul Mercury Insurance Company, may have to the Bankruptcy Trustee in this matter.

The parties respectfully submit a form of *Order Granting Joint Motion for Approval of Settlement Agreement and Complete Release of All Claims* as Exhibit 3, attached and incorporated to this Joint Motion for Approval.

Dated this 23rd day of February, 2010.

CLAYBORNE, LOOS & SABERS, L.L.P.

By: 

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Dated this 23rd day of February, 2010.

BANGS, MCCULLEN, BUTLER
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